

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DEREK EDWARD BENEDICT,

2. LYLE ROBERT CARPENTER,

3. JULIA JEAN JULIEN,

4. TIMOTHY MICHAEL KIELB,

5. CHERILYN ANN MAYOTTE,

6. JASON MICHAEL MUSSEHL,

7. JENNIFER SUZANN STANLEY, and

8. JONATHAN ROGER QUAST,

Defendants.

INDICTMENT

18 U.S.C. § 371

18 U.S.C. § 2113(a)(2)

18 U.S.C. § 2113(b)

18 U.S.C. § 2118(b)

18 U.S.C. § 2118(d)

18 U.S.C. § 2314

CR 13-150 SRN/FLN

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Conspiracy to Commit Bank Burglary, Bank Larceny, and
Interstate Transportation of Stolen Property)

1. Beginning in or about October 2009 and continuing through in or about
February 2013, in the State and District of Minnesota and elsewhere, the Defendants,

**DEREK EDWARD BENEDICT,
LYLE ROBERT CARPENTER,
JULIA JEAN JULIEN,
TIMOTHY MICHAEL KIELB,
CHERILYN ANN MAYOTTE,**



FILED JUN 10 2013
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERK'S INITIALS _____

**JASON MICHAEL MUSSEHL,
JENNIFER SUZANN STANLEY, and
JONATHAN ROGER QUAST,**

knowingly conspired with each other and with others, known and unknown to the Grand Jury, to commit the following offenses against the United States:

- a) to enter and attempt to enter buildings used in whole or in part as a bank or credit union whose deposits were insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, with the intent to commit larceny in said buildings, or part of said buildings, affecting such bank or credit union, in violation of Title 18, United States Code, Section 2113(a) paragraph 2;
- b) to take and carry away with the intent to steal property and things of a value exceeding \$1,000, belonging to and in the care, custody, control, management and possession of a bank or credit union, whose deposits were insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, in violation of Title 18, United States Code, Section 2113(b); and
- c) to unlawfully transport in interstate commerce between the States of Wisconsin and Minnesota, and between the States of Iowa and Minnesota, stolen merchandise, goods, wares, securities and money of a value of \$5,000 or more, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2314.

2. The manner and means of the conspiracy included, among other things:

- a) That the Defendants agreed to commit burglaries of commercial businesses and residences with the goal of stealing money, controlled substances, and other items of value from the premises of said businesses;
- b) That the Defendants would often plan their burglaries by conducting reconnaissance of the exterior and interiors of commercial businesses and residences with the intent to determine methods of entering the buildings, stealing money, controlled substances, and other items of value, and departing the buildings after committing a burglary without being detected;
- c) That the Defendants would steal money held inside Automated Teller Machines ("ATMs") located inside commercial buildings, by either breaching the ATMs while inside the commercial building, or by removing the ATM from the commercial building and breaching the ATM at another location, thereby enabling conspirators to remove the money inside the ATM;
- d) That the Defendants would often use vehicles to travel to and from the buildings they burglarized, and to carry away stolen property; and
- e) That the Defendants, when committing a burglary outside the State of Minnesota, would transport stolen goods across state lines when returning from other states to Minnesota.

3. Defendants committed the following overt acts in furtherance of the conspiracy:

- a) On or about October 4, 2009, Defendants CARPENTER, KIELB, MUSSEHL, and STANLEY travelled to the Walgreens store at 621 West Broadway Avenue, in Minneapolis, Minnesota, with the intent of burglarizing that store.
- b) On or about October 4, 2009, Defendants CARPENTER, KIELB, and MUSSEHL entered the Walgreens store at 621 West Broadway Avenue, in Minneapolis, Minnesota, after the Walgreens was closed.
- c) On or about August 23, 2012, Defendants CARPENTER, KIELB, MUSSEHL, and QUAIST, entered the Walgreens store at 9273 Lake Drive in Circle Pines, Minnesota, after the Walgreens was closed.
- d) On or about September 9, 2012, Defendants BENEDICT, CARPENTER, JULIEN, and MUSSEHL traveled to the Walgreens store at 3501 Ingersoll Avenue, in Des Moines, Iowa, with the intent of burglarizing that store.
- e) On or about September 19, 2012, Defendants JULIEN, KIELB, MAYOTTE, and MUSSEHL traveled from Minnesota to Superior, Wisconsin, with the intent of burglarizing a residence.
- f) On or about February 20, 2013, Defendant CARPENTER entered the Walgreens store at 21495 141st Avenue North, in Rogers, Minnesota to conduct reconnaissance of the store and make preparations for a possible burglary of the store.

g) On or about February 23, 2013, Defendant BENEDICT entered the Walgreens store at 21495 141st Avenue North, in Rogers, Minnesota to conduct reconnaissance of the store and make preparations for a possible burglary of the store.

4. All in violation of Title 18, United States Code, Sections 371, 2113(a) paragraph 2, 2113(b), and 2314.

COUNT 2

(Conspiracy to Steal Controlled Substances)

5. The Grand Jury incorporates paragraph 2 of the Indictment as if fully set forth herein.

6. Beginning in or about November 2011 and continuing through in or about February 2013, in the State and District of Minnesota, the Defendants,

**DEREK EDWARD BENEDICT,
LYLE ROBERT CARPENTER,
JULIA JEAN JULIEN,
TIMOTHY MICHAEL KIELB,
CHERILYN ANN MAYOTTE,
JASON MICHAEL MUSSEHL, and
JONATHAN ROGER QUAST,**

knowingly conspired with each other and with others, known and unknown to the Grand Jury, to without authority, enter and remain in the business, premises, and property of a person registered with the Drug Enforcement Administration, with the intent to steal materials and compounds containing a quantity of a controlled substance with a replacement cost of \$500 or more.

7. The Defendants charged in this Count of the Indictment committed the following overt acts in furtherance of the conspiracy:

a) On or about July 15, 2012, Defendants BENEDICT, CARPENTER, JULIEN, KIELB, MAYOTTE, and MUSSEHL traveled to the Bloomington Drug store at 509 West 98th Street in Bloomington, Minnesota, with the intent to burglarize the store.

b) On or about August 23, 2012, Defendants CARPENTER, KIELB, MUSSEHL, and QUAIST, entered the Walgreens store at 9273 Lake Drive in Circle Pines, Minnesota, after the Walgreens was closed.

8. All in violation of Title 18, United States Code, Sections 2118(d) and 2118(b).

COUNT 3
(Bank Burglary)

9. On or about October 4, 2009, in the State and District of Minnesota, the Defendants,

**LYLE ROBERT CARPENTER,
TIMOTHY MICHAEL KIELB,
JASON MICHAEL MUSSEHL, and
JENNIFER SUZANN STANLEY,**

aiding and abetting, and being aided and abetted by each other, did enter and attempt to enter the Walgreens Store at 621 West Broadway Avenue, in Minneapolis, Minnesota, a building which was used in whole or in part as a bank, in that the Walgreens store contained an ATM of U.S. Bank, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, with the intent to commit larceny in such building

affecting said bank, in violation of Title 18, United States Code, Sections 2 and 2113(a) paragraph 2.

COUNT 4
(Bank Larceny)

10. On or about October 24, 2009, in the State and District of Minnesota, the Defendants,

**DEREK EDWARD BENEDICT,
LYLE ROBERT CARPENTER,
JASON MICHAEL MUSSEHL, and
JENNIFER SUZANN STANLEY,**

aiding and abetting, and being aided and abetted by each other, did take and carry away, with the intent to steal money belonging to, and in the care, custody, control, management, and possession of Bank of America, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, to wit: the Defendants charged in this Count of the Indictment stole approximately \$23,000 from an ATM located in the Walgreens store at 4100 West Broadway Avenue, in Robbinsdale, Minnesota, in violation of Title 18, United States Code, Sections 2 and 2113(b).

COUNT 5
(Bank Larceny)

11. On or about November 29, 2009, in the State and District of Minnesota, the Defendants,

**DEREK EDWARD BENEDICT,
LYLE ROBERT CARPENTER,
JASON MICHAEL MUSSEHL, and
JENNIFER SUZANN STANLEY,**

aiding and abetting, and being aided and abetted by each other, did take and carry away, with the intent to steal money belonging to, and in the care, custody, control, management, and possession of Bank of America, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, to wit: the Defendants charged in this Count of the Indictment stole approximately \$37,000 from an ATM located in the Walgreens store at 5695 Duluth Street, Golden Valley, Minnesota, in violation of Title 18, United States Code, Sections 2 and 2113(b).

COUNT 6

(Burglary Involving Controlled Substances)

12. On or about July 15, 2012, in the State and District of Minnesota, the Defendants,

**DEREK EDWARD BENEDICT,
LYLE ROBERT CARPENTER,
JULIA JEAN JULIEN,
TIMOTHY MICHAEL KIELB,
CHERILYN ANN MAYOTTE, and
JASON MICHAEL MUSSEHL,**

aiding and abetting, and being aided and abetted by each other, did knowingly and intentionally enter and attempt to enter, without authority, the business and property of a person registered with the Drug Enforcement Administration with the intent to steal materials and compounds containing a quantity of a controlled substances with a replacement value of \$500 or more, to wit: the Defendants entered the Bloomington Drug store at 509 West 98th Street in Bloomington, Minnesota with the intent to steal various drugs, pills and patches containing controlled substances, in violation of Title 18, United States Code, Sections 2 and 2118(b)(1).

COUNT 7
(Credit Union Burglary)

13. On or about August 19, 2012, in the State and District of Minnesota, the Defendants,

**LYLE ROBERT CARPENTER,
TIMOTHY MICHAEL KIELB,
JASON MICHAEL MUSSEHL, and
JONATHAN ROGER QUAST,**

aiding and abetting, and being aided and abetted by each other, did enter and attempt to enter the Dakota Convenience Store #2, at 14160 Northwest Wilds Path, in Prior Lake, Minnesota, a building which was used in whole or in part as a credit union, in that the Dakota Convenience Store contained an ATM of South Metro Federal Credit Union a credit union whose deposits were then federally insured by the National Credit Union Administration, with the intent to commit larceny in such building affecting said credit union, in violation of Title 18, United States Code, Sections 2 and 2113(a) paragraph 2.

COUNT 8
(Bank Burglary)

14. On or about August 23, 2012, in the State and District of Minnesota, the Defendants,

**LYLE ROBERT CARPENTER,
TIMOTHY MICHAEL KIELB,
JASON MICHAEL MUSSEHL, and
JONATHAN ROGER QUAST,**

aiding and abetting, and being aided and abetted by each other, did enter and attempt to enter the Walgreens Store at 9273 Lake Drive in Circle Pines, Minnesota, a building which was used in whole or in part as a bank, in that the Walgreens store contained an

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ATM of U.S. Bank, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, with the intent to commit larceny in such building affecting said bank, in violation of Title 18, United States Code, Sections 2 and 2113(a) paragraph 2.

COUNT 9

(Burglary Involving Controlled Substances)

15. On or about August 23, 2012, in the State and District of Minnesota, the Defendants,

**LYLE ROBERT CARPENTER,
TIMOTHY MICHAEL KIELB,
JASON MICHAEL MUSSEHL, and
JONATHAN ROGER QUAST,**

aiding and abetting, and being aided and abetted by each other, did knowingly and intentionally enter and attempt to enter, without authority, the business and property of a person registered with the Drug Enforcement Administration with the intent to steal materials and compounds containing a quantity of a controlled substances with a replacement value of \$500 or more, to wit: the Defendants entered the Walgreens Store at 9273 Lake Drive in Circle Pines, Minnesota with the intent to steal various drugs, pills patches, and liquids containing controlled substances, in violation of Title 18, United States Code, Sections 2 and 2118(b)(1).

COUNT 10

(Interstate Transportation of Stolen Property)

16. On or about September 9, 2012, in the State of Minnesota and elsewhere, the Defendants,

**DEREK EDWARD BENEDICT,
LYLE ROBERT CARPENTER,
JULIA JEAN JULIEN, and
JASON MICHAEL MUSSEHL,**

aiding and abetting, and being aided and abetted by each other, did transport in interstate commerce stolen money of the value of \$5,000 or more, knowing the same to have been stolen, to wit: the Defendants charged in this Count of the Indictment drove from the State of Iowa to the State of Minnesota carrying money said Defendants intentionally stole from a safe and ATM located inside the Walgreens store at 3501 Ingersoll Avenue, in Des Moines, Iowa, in violation of Title 18, United States Code, Sections 2 and 2314.

FORFEITURE ALLEGATIONS

17. The allegations of paragraphs 1 through 14 of the Indictment are realleged and incorporated herein for the purpose of alleging forfeitures. If convicted of any of Counts 1, 3, 4, 5, 7, 8, or 10 of this Indictment, each Defendant convicted of each said count shall forfeit to the United States any and all property, real or personal, which constitutes or is derived from proceeds traceable to each said count of conviction, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 21, United States Code, Section 2461(c).

18. If any of the property described in these Forfeiture Allegations is unavailable for forfeiture as provided by Title 21, United States Code, Section 853(p), the

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United States intends to seek the forfeiture of substitute assets pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON